

Serial No. 09/864,870

Amendment Dated December 27, 2005

Reply to Office Action Mailed August 24, 2005

Attorney Docket No. 3036/49955

REMARKS

Applicants acknowledge the allowance of claim 5, and the indication of the allowability of the subject matter of claim 9, as set forth in item 5 of page 4 of the outstanding office action. Claim 9, in particular, would be allowable if rewritten in independent form. By the foregoing amendment, that has been done, and claim 9 is accordingly now believed to be allowable.

Claims 1 and 6-8 have been rejected under 35 U.S.C. §103(a) as unpatentable over Hughes et al. (U.S. Patent No. 6,747,971) in view of Joo et al. (U.S. Patent No. 5,963,552). Nevertheless, as discussed in greater detail hereinafter, Applicants respectfully submit that claims 1 and 6-8 now distinguish over the cited references whether it considered separately or in combination. In addition, new claims 12-15 which depend from allowed claim 11, have also been added.

In the foregoing amendment, the last paragraph of claim 1 has been amended to recite, in particular, that the step of determining the priority for each ingress means is based on “a comparison of a relative number of adjacent send opportunities of the ingress means, as well as a size of said sets.” In response to the Applicants’ argument in the previous amendment regarding the previous form of claim 1, which recited “a combination of send opportunities of the ingress means”, the office action points out at page 6 that the “comparison”

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been amended to state this limitation expressly, Applicants respectfully submit that it distinguishes over the prior art of record. In particular, in so far as Applicants have been able to tell, none of the cited references teaches or suggests a step of determining the priority for each ingress means "based on a comparison of a relative number of sets of adjacent send opportunities of the ingress means, as well as the size of said sets."

In light of the foregoing remarks, this application should be in condition for allowance, and early passage of this case to issue is respectfully requested. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

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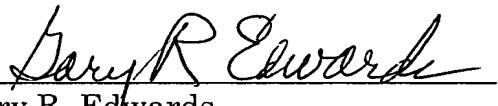
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If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #038819.49955).

Respectfully submitted,

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